

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-CR-00219-RJC

USA)
)
v.) ORDER
)
EUGENE MARTA LANEY)
)

THIS MATTER is before the Court upon motion of the defendant for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines regarding to drug offenses, (Doc. Nos. 49), counsel's Notice of Ineligibility, (Doc. No. 51), and related pleadings.

The defendant's plea to drug and firearm offenses resulted in a total offense level of 23, a criminal history category of III, and an advisory guideline range of 57-71 months, but a statutory mandatory minimum of 120 months on Count One. (Doc. Nos. 48, 53: Supplemental Presentence Reports at 1; Doc. No. 30: Judgment at 2). Accordingly, the change in the guidelines does not affect the defendant's sentence. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum); United States v. Hood, 556 F.3d 226, 233 (4th Cir. 2009).

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 49), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Federal Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: October 19, 2016



Robert J. Conrad, Jr.
United States District Judge

